

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

RICHARD TEJEDOR

PLAINTIFF

V.

CIVIL ACTION NO. 1:05cv679-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

ORDER

This Court entered a separate order on two of Defendant's motions *in limine* which are docketed at [86] and [87]. This order addresses those others filed by Defendant dealing with [85] bifurcation of trial proceedings; [88] precluding the mention of or introduction of evidence concerning motions to change venue filed by Defendant in this or any other cause of action; [89] precluding evidence of or reference to claims for punitive or extra-contractual damages prior to a finding of liability; [90] excluding evidence of or references to any grand jury or government investigation relating to Defendant's response to Hurricane Katrina; and [91] excluding evidence of any of Defendant's out-of-state conduct. Plaintiffs responded to all of these motions; Defendant replied only with respect to the policy interpretation matter.

Plaintiffs have no objection to bifurcation of trial regarding the coverage claim, on the one hand, and the punitive/extra-contractual damages, on the other. They request only that they be allowed to address punitive damages in *voir dire*, which is reasonable. If the jury is given a punitive damages instruction, all counsel will be able to make a separate statement on that issue.

Plaintiffs also have no objection to being precluded from mentioning or introducing evidence of motions for change of venue filed by Defendant; to the exclusion of evidence of or reference to any grand jury or government investigation involving Defendant; or to the exclusion of evidence of Defendant's out-of-state conduct. Plaintiffs' only reservation on the motion to preclude evidence of or reference to claims for punitive or extra-contractual damages is the same one raised with respect to bifurcation: that allowance be made for this topic to be mentioned in *voir dire* and in the appropriate opening statement. This is likewise a reasonable request.

Accordingly, **IT IS ORDERED:**

Defendant's Motions [85], [88], [89], [90], and [91] *in limine* are **GRANTED IN PART** and **DENIED IN PART**, consistent with the above comments. Plaintiffs may not mention or introduce evidence of motions for change of venue filed by Defendant in this or any other cause of action; may not refer to or introduce evidence regarding any grand jury or government investigation involving Defendant; and may not introduce evidence of or refer to Defendant's out-of-state conduct. Plaintiffs will be allowed to address the issue of punitive/extra-contractual

damages in *voir dire* subject to further direction from the Court. The underlying coverage/contractual claim and the entitlement to punitive/extra-contractual damages will be determined in a bifurcated proceeding, with counsel being allowed to make statements at the beginning of each phase.

SO ORDERED this the 16th day of January, 2007.

s/L. T. Senter, Jr.
L. T. Senter, Jr.
Senior Judge